

**Advisory Board Bylaw**

**[Adopted 3-3-1952 ATM Article 27, Approved by Attorney General 7-3-1952]  
[Amended 8/20/1962 STM Article 7, Approved by Attorney General 9-12-1962]**

**Amendment: To amend the bylaw so the members of the Advisory Committee are elected on the Official Ballot at the Annual Town Meeting.**

**§1.** There shall be an Advisory Committee consisting of six legal voters of the town, who shall be appointed by the Town Meeting members as hereinafter provided. No elective or appointive town officer shall be eligible to serve on said committee.

**§2.** The Town Meeting following adoption of this bylaw shall appoint two members for a term of one year, two members for terms of two years and two members for terms of three years. At each annual town meeting thereafter the Town Meeting shall appoint two members of said committee for terms of three years. The terms of office of said members shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual town meeting at which their successors are appointed. Said committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.

**§3.** The said committee shall fill any vacancy which may occur in its membership by vote, attested copy of which shall be sent by the secretary to the Town Clerk. If any member is absent from five consecutive meetings of said committee, except in case of as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual Town Meeting, and the Town Meeting shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

**§4.** All articles in any warrant for a town meeting shall be referred to the Advisory Committee for its consideration. The selectmen after drawing any such warrant shall transmit immediately a copy thereof to each member of said committee. A public hearing shall be held [at least 2 weeks before such a town meeting] upon all such articles, unless a public hearing shall be given by [posting a copy thereof in at least 2 public places in the town]. Said committee shall, after due consideration of the subject matter of such articles, report thereon to the town meeting, in writing, such recommendations as it deems best for the interests of the town and its citizens.

**§5.** It shall be the duty of the Advisory Committee annually to consider the expenditures in previous years and the estimated requirements of the ensuing year of the several boards, officers and committees of the town, as prepared by them [or by the Town Accountant] in such form and detail as may be prescribed by said committee. The said committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations and suggestions relating to the proposed appropriations as it may deem expedient.

**§6.** In the discharge of its duty, said committee shall have free access to all books of record and accounts, bills and vouchers on which money has been paid or may be paid from the town treasury. Officers, boards and committees of the town shall upon request, where not prohibited by law, furnish said committee with facts, figures and any other information pertaining to their several activities.

**§7.** It shall be the duty of the Advisory Committee to make an annual report of its doings, which includes recommendations relative to financial matters and the conduct of the town business, to be contained in the annual town report.

**Anti Litter Bylaw**

**[Adopted 2/23/1970 ATM Article 19, Approved by Attorney General 2/2/1972]**

**[Amended 9-16-1989 STM Article 8, Approved by Attorney General ]**

**[Amended 5-11-1992 ATM Article 10; Approved by Attorney General 6-15-1992]**

**Adopted under Section 21 of Chapter 40 of the General Laws:**

**§1.** Whoever disposes of garbage, trash, refuse, bottles, cans, containers, rubbish or other debris on a public or private way, or within 20 yards thereof, or in inland waters, or on private property without the written permission of the owner, except at Town refuse disposal facilities duly established for the purpose by a resident of the Town, shall be punished by a fine of Three Hundred Dollars. **[Amended 9-16-1989]**

**§2.** Whoever shall discard, shovel, throw or pile snow in a public way after Police warning not to do so shall be punished by a fine of Twenty-Five Dollars.

**§3. ENFORCEMENT. [Amended 5-11-1992]**

This bylaw shall be enforced in accordance with the provisions of the Dunstable Non-Criminal Bylaw. The enforcing authority shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Board of Road Commissioners.

**Building Number Bylaw**

**[Adopted 4-14-1986 ATM Article 19; Approved by Attorney General 4-24-1986]  
[Amended 5-13-1996 ATM Article 26; Approved by Attorney General 6-14-1996]**

Article 19. Voted that the Town adopt the following ordinance, to be known as the Building Numbers Bylaw, under the authority of Chapter 40 of the General Laws:

"Authority: For the purpose of promoting the health, safety and general welfare of the Inhabitants of the Town of Dunstable and pursuant to the authority of the General Laws, Chapter 40, Section 21, as amended, the Town of Dunstable adopts the following bylaw regulating building numbers:

**§1. Building numbers to be designated by the Board of Selectmen**

The Board of Selectmen shall, as the convenience of the public may require, and upon such consultation as they may deem necessary, designate the numbers to be fixed to the buildings on streets and ways in the Town of Dunstable.

**§2. Numbers to be affixed [Amended 5-13-1996]**

Any building or structure for which a number shall be designated, shall have such number affixed thereto in such manner so as to be plainly visible from the street which abuts the main entrance to the property; or, in the event that such building or structure is so situated that it is not plainly visible from such street, said number shall be displayed at or near the street entrance to the premises for that building or structure. Said numbers shall be a minimum of 3" tall so they can be easily read by all emergency personnel & any other responding apparatus. In the case of buildings and dwellings located on a common driveway or private road, proper signage shall be posted at the public street entrance to the properties in such a manner as to easily clarify the placement of all numbered buildings and structures on the common drive or private road.

**§3. New Buildings**

The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Board of Selectmen or their designee prior to submitting application to the Building official for a permit, and no building permit shall be issued without designation of such building number.

**§4. Unauthorized building numbers prohibited**

No owner of any property in the Town or other person shall affix, permit to be affixed, or suffer to remain upon any building in the Town within such persons control, any number different from the one designated by the Board of Selectmen, with the exception of dates affixed for historical purposes, and with the further exception of

other numbers lawfully affixed after written authorization by the Board of Selectmen and clearly distinguishable from numbers designated under this bylaw.

**§5. Penalty for failure to affix street numbers and proper signage. [Amended 5-13-1996]**

Prior to the issuance of any occupancy permit, the Building Inspector shall determine that the applicant has complied with all provisions of this bylaw. The owner of such building or structure who shall fail to affix or have affixed such number and identification signage, as is designated above within thirty (30) days after written notice from the Building Inspector or Board of Selectmen shall be fined \$5.00 per week following the said thirty (30) days and each week that such number or sign is not properly affixed shall constitute a separate offense thereunder. This bylaw shall be enforced in accordance with the provisions of the Dunstable Non-Criminal Bylaw. The enforcing authority shall be either the Dunstable Police Department, including any Police Officer in said Department, the Board of Selectmen or the Building Inspector.

**§6. Effective date**

This bylaw shall become effective on approval by the Attorney General or otherwise on the earliest possible date by operation of law.

**Council on Aging Bylaw**

**[Adopted 12/7/1971 STM Article 3; Approved by Attorney General 2/16/1972]**

**§1.** There is hereby established a Council on Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with the Commission on Aging established under Section 73 of Chapter 6 of the General Laws, as amended, or as the same may be hereafter amended.

**§2.** The Council on Aging established hereunder shall consist of seven [7] members to be appointed by the Board of Selectmen and all said members shall be residents of the Town. When said Council is first established, three [3] members shall be appointed for a term of three [3] years, two [2] members shall be appointed for a term of two [2] years, and two [2] members shall be appointed for a term of one [1] year; and their successors shall be appointed for a term of three [3] years. A vacancy occurring other than by expiration of term shall be filled in the same manner as an original appointment.

**§3.** The Council shall submit an annual report to the Town for inclusion in the Annual Town Report, and shall send a copy thereof to the State Commissioner on Aging. The Council may appoint such clerks and other employees as it may require.

**Discharge of Firearms Bylaw**

**[Adopted 4-13-1981 ATM Article 18; Approved by Attorney General 7-20-1981]**

No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, part, or other public property except with the written permission of the Board of Selectmen; or any other private property of another, except with the written consent of the owner or legal occupant thereof; provided, however, that this Bylaw shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties. Any person violating this bylaw shall be punished by a fine of not more than \$100.00. This bylaw may be enforced under the non-criminal disposition provision of Massachusetts General Laws, Chapter 40, Section 21D.

**Disposition of Fees Bylaw**

**[Adopted 5-9-2005 ATM Article 23; Approved by Attorney General 8-16-2005]**

All Town officers shall pay into the Town Treasury all fees received by them by virtue of their office, subject to such ordinary payments and disbursements as are authorized or required under the general laws.



**Dog Control Bylaw**

**[Adopted 4-10-1989 ATM Article 35; Approved by Attorney General 6-1989]  
[Amendments 5-11-1992 ATM Article 10 [Section 3 Enforcement]; Approved by the  
Attorney General 6-15-1992]; 5-11-1998 ATM Article 24 [Repealed in its Entirety and  
Substituted with Amended Version]; Approved by the Attorney General 8-19-1998**

**DOG CONTROL**

Statement of Purpose: This by law is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of the Town of Dunstable, and to provide for the due and proper disposition of the proceeds of fees and fines arising from the keeping and licensing of dogs.

**§1.** No person shall permit a dog owned or kept by him/her to be beyond the confines of the property of the owner or keeper unless the dog is under the control of such owner, keeper or his/her agent or is firmly held on a leash. Any dog kept within the confines of the town must be duly licensed and tagged as required by Massachusetts General Laws, Chapter 140, Sections 137-147 including amendments as enacted and approved by the Commonwealth. As used in this Section, the term 'control' shall include, but shall not be limited to oral or visual commands to which the dog is obedient. Nothing in this section shall be construed to limit the authority of the Selectmen to impose a more restrictive standard of restraint in connection with a particular matter properly before them under any applicable law, bylaw or regulation.

**§ 2.** Violation of this control provision of the bylaw shall be punishable by a fine of ten dollars (\$10.00) for the first offense, fifteen (\$15.00) for the second, twenty (\$20.00) for the third, and twenty-five dollars (\$25.00) for the fourth or subsequent offenses. Nothing in this Section shall be deemed to limit the authority of the enforcing authority to issue a warning in any instance.

**§3.** The enforcing authority hereunder shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Dog Control Officer.

**§4.** The provisions of Massachusetts General Law Chapter 140, Sections 136A through 174D inclusive, as may be amended from time to time and insofar as applicable, including the definitions therein, are hereby incorporated by reference into this bylaw relating to the regulation of dogs, insofar as they may explain, clarify or supplement the provisions hereof.

**§5.**

(a) Any person or entity who fails to register and license his/her/its dog each year by the last day of February in the Town of Dunstable, Middlesex County, and pay the fees and charges under any and all applicable ordinances, bylaws or regulations adopted/observed by the Town of Dunstable will be required to pay to the Town a late fee, in the amount of ten dollars (\$10.00). Any such person, etc, acquiring a dog, six months of age or older, after the last day of February in any year shall have thirty (30) days from the date of acquisition which shall be presumed to be the date on the rabies certificate, to register and license the dog or be subject to a late fee of \$10.00, which shall be payable to the Office of the Town Clerk.

(b) Failure to license and register a dog before May 1st annually shall result in a twenty-five dollar (\$25.00) fine, which shall be in addition to the late fee provided in Section 5. (a), above, and which shall be payable to the Office of the Town Clerk. On or after May 1st annually, those owners in violation of the licensing requirement of this bylaw, will receive a notice of the aforesaid fine. Those that do not pay the twenty five dollars (\$25.00) within twenty-one (21) days of such notice shall be subject to citation under the "Dunstable Non-Criminal Disposition ByLaw".

**§6.** All fees or fines collected under this bylaw shall be paid into the general fund, subject to the provisions of the Massachusetts General Laws, as amended.

**§7.** Any part, section or provision of this bylaw found to be invalid shall be severable and the remaining portions of this bylaw shall not be affected thereby. No provision or interpretation of a provision of this bylaw is intended to be in conflict with any provision of the Massachusetts General Laws, pertaining to dogs.

**§8.** This bylaw shall go into effect on the date of posting the Town Bulletin following the approval of the Attorney General.

**Adopted at the 2004 ATM: ARTICLE 11.** Motion made and seconded that the Town accept that part of the General Laws, Chapter 140, Section 139, that states as follows: "No fee shall be charged for a license for a dog owned by a person aged 70 years or over in any city or town that accepts this provision;" reserving, however, the present schedule of fees for the licensing of dogs that charges ten dollars for male and female dogs, excepting neutered or spayed animals, for which the fee is six dollars; and subject in all events to the authority to fix fees conferred under General Laws, Chapter 40, Section 22F, which was accepted by vote of the Town under Article 34 of the Annual Town Meeting of May 8, 2000.

**Driveway and Entrance Bylaw**  
**[Adopted 5-8-2000 Article 15; Approved by Attorney General 7-26-2000]**

**§1. PURPOSE.**

In order to provide public safety through the orderly control of traffic entering and exiting a street and to provide adequate drainage of the driveway where required, new driveways and entrances shall be built according to a uniform standard of design and layout.

**§2. PROCEDURE.**

Prior to any construction, reconstruction or paving of a driveway, the owner shall make a written application for approval to the Board of Road Commissioners. Before approval is granted, the application shall be referred to other boards and/or commissioners as deemed necessary.

**§3. DESIGN REQUIREMENTS.**

- a. Entrances shall be located to the best advantage with regard to the street alignment, profile, sight distance and safety conditions.
- b. Entrances and driveways to a given tract of land shall be located through the frontage, or across the front lot line of said land, or through an access easement.
- c. Use of an access strip other than across the front lot line shall require utilization of the actual access strip frontage as the street address for the town/public records.
- d. Driveway grads and locations shall be constructed and maintained so as to provide safe access for emergency vehicles. Driveways exceeding five hundred [500'] feet in length shall have one or more emergency vehicle turnouts and terminus turnaround as specified by the Board of Road Commissioners.
- e. Entrances and exits shall be a minimum of fifty [50'] feet from a street corner measured between the nearest edge of the driveway and edge of pavement at the street corner.
- f. Design standards shall provide that no water will drain from the driveway onto to the street and all such driveways shall have a paved apron fifteen [15'] feet in length.
- g. Provisions shall be incorporated into the driveway design for driveway culverts, as needed, to eliminate any drainage onto the roadway from said driveway.
- h. Any disturbed areas shall be stabilized and returned to their former state.
- i. Where a portion of a stone wall must be removed for access to the property, the remaining stone wall shall be left in a stable and orderly condition. Nothing in this subsection shall be deemed to vary the effect of the Scenic Roads statute in the Town of Dunstable, which is under the jurisdiction of the Planning Board and which must be complied with where applicable.
- j. Driveway design, layout and construction shall be approved by the Board of Road Commissioners.

**§4. WAIVERS.**

Any requests for waivers shall be directed to the Board of Road Commissioners, who shall have the authority to grant or deny said requests, in light of the purposes of this bylaw and public necessity.

**§5. INSPECTIONS AND FEES.**

The Board of Road Commissioners reserve the right to inspect the proposed site before, during and after construction. The Board of Road Commissioners may adopt reasonable

rules, regulations and specifications incidental to this bylaw and may establish reasonable fees for driveway application and inspections.

## **General Wetlands Bylaw**

**[Adopted 4-8-1985 ATM Article 9; Approved by Attorney General 7-10-1985]**

**[Amendments 5-13-1991 ATM Article 32 [Enforcement]; Approved by Attorney General 7-17-1991; 5-11-1992 ATM Article 10 "Violations and Enforcement"; Approved by Attorney General 6-15-1992; 5-12-1997 ATM Article 24 "Section 1" ratified 10-29-1997 STM Article 4; Approved by Attorney General 2-17-1998; 5-8-2000 ATM Article 30 "Definitions" ATM; Approved by Attorney General 7-26-2000]**

### **§ 1: APPLICATION [Amended 5-20-1997 ATM Article 24, ratified by 10-29-1997 STM Article 4]**

The purpose of this Bylaw is to protect the wetlands of the Town of Dunstable by controlling activities deemed to have, or have the potential to have, a significant effect upon wetland values, including but not limited to the following: potential or developed public or private water supply, potential or developed groundwater supply, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, recreation and aesthetics (collectively, the "interests protected by this Bylaw").

No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, beach, flat marsh, meadow, bog, swamp or lands bordering on any creek, river, stream, pond or lake or any land under said waters or any land subject to flooding or inundation, or within one hundred feet of the 100-year storm flow line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other telecommunication services, without first filing written application for a permit to so remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued by the Conservation Commission; nor shall any new permanent structure or impervious surface (greater than 100 square feet in the aggregate) be permitted within 60 feet of any freshwater wetland as defined in the Bylaw, except that the repair, replacement or enlargement of any single family dwelling house, or any appurtenant structure thereof, existing as of May 31, 1997, may be permitted within such area following proceedings in compliance with this Bylaw and the issuance of an appropriate Order of Conditions by the Conservation Commission.

### **§ 1A: EMERGENCY PROJECTS**

This Bylaw shall not apply to emergency projects as defined in General Laws Chapter 131, Section 40, which are necessary for the protection of the health or safety of the citizens of the Commonwealth and to be performed or ordered to be performed by an agency of the Commonwealth or of the Town. An emergency project may be any project certified to be an emergency by the Commission or by its authorized agent. This Bylaw shall not apply to work performed for normal maintenance or improvement of lands in agricultural use at the time of this application.

### **§ 2: DETERMINATION OF APPLICABILITY**

Any person may request the Conservation Commission to make a determination as to whether or not this Bylaw applies to a particular area of land.

This request shall be sent by certified mail or hand delivered to the Commission or its authorized representative. If the applicant is other than the owner, the applicant shall send a copy of the request to the owner. If the applicant hand delivers the request to the Commission, the bearer shall be given a dated receipt.

The Commission shall determine, within 21 days of receipt of such request, whether this Bylaw does apply to the particular area of land. The Commission will send to the applicant a Determination of Applicability form.

The Determination of Applicability will be sent to the applicant by certified Mail. If the applicant is other than the owner, the Commission will send a copy of the Determination to the owner by certified mail.

### **§ 3: NOTICE OF INTENT**

If the particular area of land is subject to this Bylaw, then the applicant must file a Notice of Intent. This Notice will be on a form available from the Commission. Said notice shall include plans and specifications as required of an applicant under G.L. ch.131, Section 30, as of January 1, 1985. These plans shall clearly show the location of the wetland boundaries, and the trace of all natural or man-made watercourses of an ephemeral nature or where they are not otherwise identified as or associated with a wetland. Calculations by which it shall be possible for the Commission to evaluate the impact(s), whether actual or potential, of all relevant aspects of the proposed activity shall be included as an integral part of the filing of a Notice of Intent with the Conservation Commission.

The Notice of Intent may be filed before other permits, variances and approvals required under the Town bylaws, Subdivision Control Law or regulations, have been obtained.

The Notice of Intent shall be accompanied by a check for the amount of the filing fee (see Filing Fees). No filing fee is required when the Town of Dunstable files a Notice of Intent.

Each Notice of Intent shall be sent by certified mail or shall be hand delivered to the Conservation Commission or its authorized representative. A person delivering a Notice of Intent by hand shall be given a dated receipt.

Copies of the Notice of Intent shall be sent by the applicant, at the same time, by certified mail or hand delivered, to the Planning Board, the Board of Appeals, and the Board of Health.

Copies of the Notice of Intent shall be sent by the applicant, at the same time, by certified mail to all abutters and to the owner if other than the applicant. A list of persons so notified shall be provided to the commission prior to the Public Hearing.

### **§ 4: PUBLIC HEARING**

The Commission shall hold a Public Hearing on the application within 21 days of the filing of the Notice of Intent. Notice of the date, time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five days prior to the hearing, by publication in a newspaper of general circulation in Dunstable and by mailing a notice to the applicant, the Board of Health, Board of Appeals and Planning Board. Such hearing may be held at the same time and place as any public hearing required to be held under G.L. Ch. 131, Section 40. If the Commission determines that additional data or information is necessary, the hearing may be continued to a future date.

#### **§ 5: BURDEN OF PROOF**

The applicant shall have the burden of proving by preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this Bylaw. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this Bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or at the Commission's discretion, to continue to the hearing to another date to enable the applicant or others to present additional evidence upon such terms and conditions as seems to the Commission to be reasonable.

#### **§ 6: ORDER OF CONDITIONS**

If after said hearing, the Conservation Commission determines that the land on which the proposed work is to be done is significant to the interests protected by this Bylaw, it shall by written order, within 21 days or such future time as the Commission and applicant shall agree upon, impose such conditions reasonably necessary for the protection of the interests described herein and all work shall be done in accordance therewith. The Conservation Commission may impose such conditions on any proposed removing, dredging, filling or altering as it deems necessary to protect and preserve the interests covered by this Bylaw. Such Order of Conditions shall be in writing and may be subject to the same constraints as any such order issued by the Dunstable Conservation Commission under the provisions of G.L. Ch.131, section 40, or successor statutes, and shall be issued within 21 days or such further time as the Commission and applicant shall agree upon after the Public Hearing. Such Order of Conditions shall expire in no less than one nor more than three years from the date of issuance. The date of expiration shall be specified in the Order. If the project is not completed within one year, then 30 days prior to the expiration date an extension must be applied for. Such extension may be for no more than three years. No proposed work governed by an Order of Conditions shall be undertaken until all permits, approvals and variances required by the local Bylaw have been obtained and all applicable appeal periods have expired.

If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within 21 days of the public hearing. The applicant and all others who have received notice of such hearing by mail shall be notified of such determination within 21 days after said hearing.

#### **§ 7: DENIAL**

The Commission is empowered to deny permission for any removal, dredging, filling, or altering, on subject lands within the Town, if, in its judgment such denial is necessary to protect the interest of this Bylaw.

#### **§ 8: RELATIONSHIP TO M.G.L. CHAPTER 131, SECTION 40**

The Commission shall not impose additional or more stringent conditions pursuant to Chapter 131, Section 40 of the General Laws than it imposes pursuant to this Bylaw, nor shall it require a Notice of Intention pursuant to Section 40 to provide materials or data in addition to those required pursuant to this Bylaw.

#### **§ 9: ADDITIONAL INFORMATION**

At any time up to the closing of the hearing, the Commission may require such additional information from the applicant as the Commission reasonably deems necessary.

#### **§ 10: ENTRY UPON LAND**

The Commission, its agents, and employees may enter upon privately-owned land for the purpose of performing their duties under this Bylaw.

#### **§ 11: RECORDING**

Both the original Order of Conditions and a Statement of Compliance with this order shall be recorded with the Registry of Deeds in Lowell for the property defined in the Order. Evidence certifying that recording has been done must be returned to the Commission before work begins.

#### **§ 12: PRE-ACQUISITION VIOLATION**

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any such order or restore such land to its condition prior to any violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

#### **§ 13: LEGAL ACTION**

The Board of Selectmen shall, upon the request of the Conservation Commission, instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this Bylaw, and enforce the orders of the Commission hereunder and the Town Counsel shall forthwith comply with such instructions.

#### **§ 14: REGULATIONS**



After Due notice and public hearings, the Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court or law shall not act to suspend or invalidate the effect of this Bylaw.

## **§ 15: FEE SCHEDULE**

- Rules:
- 1) Permit fees are payable at the time of application and are non-refundable.
  - 2) Permit fees shall be calculated by this Commission per schedule below.
  - 3) Town, County, State or Federal projects are exempt from fees.
  - 4) There shall be no fee for activities involving improvements undertaken to improve the agricultural use of land currently in agriculture or of land to be converted to agricultural use.
  - 5) No fee is charged for Requests of Determination under the law or for extensions for Orders of Conditions.
  - 6) Failure to comply with the law after official notification shall result in fees twice those normally assessed.
  - 7) The Commission shall have the right to change the fee schedule shown below. Any change of fee schedule must be advertised and posted at the Town Hall at least thirty days prior to the date upon which the changes are to become effective.
- Fees:
- 1) Wetlands Bylaw Hearing for a single-family residential property not involving the subdivision of land or the construction of more than one residential unit thereon...\$25.00
  - 2) Wetlands Bylaw Hearing for subdivision of land to produce two or more residential building lots, or for commercial and for Industrial real estate...\$100.00

## **§ 16: DEFINITIONS [Amended 5-11-2000 ATM Article 30]**

The following definitions shall apply in the interpretation and implementation of this Bylaw:

- a) **PERSON**; the term PERSON shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agencies, public or quasi-public, corporations or bodies, the Town of Dunstable, and any other legal entity, its legal representatives, agents or assigns.
- b) **APPLICANT**; the term APPLICANT as used in this Bylaw shall mean a person given Notice of Intention to build, remove, fill dredge or alter.
- c) **ALTER**; the term ALTER shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:
  - 1) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind, muck, peat or other organic soil of any description or kind;
  - 2) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood storage retention characteristics;
  - 3) Drainage or other disturbance of the water level or water table;
  - 4) Dumping, discharging, filling with any material or other activity which may degrade surface or ground water quality in or out of the Town of Dunstable;
  - 5) Driving of piles, erection of the buildings or structures of any kind;

- 6) Placing of obstructions whether or not they interfere with the flow of water;
- 7) Destruction of plantlike, including the cutting of trees;
- 8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the surface or ground water;
- d) BANKS; the term BANKS shall mean that part of land adjoining any body of water or watercourse which confines the water.
- e) MARSH, FRESHWATER WETLAND, SWAMP, WET MEADOW, BOG; the terms MARSH, FRESHWATER WETLAND, SWAMP, WET MEADOW, BOG, as used in this Bylaw shall be defined as defined by the characterization of the presence of water on, at or below the surface of the ground during specified periods of the year, and further by the classification of the significant part of the vegetational community as specified in M.G.L. Chapter 131, Section 40.

The Commission may adopt additional definitions not inconsistent with this Section 16 of this Bylaw.

## **§ 17: SECURITY**

The Commission may require, as a permit condition in some particular cases 1.) where the scope of the work is such that a failure to perform the work according to the conditions in the Order would be likely to cause grave damage to the interests protected by this Bylaw, or 2.) where particular conditions in the Order must remain effective through the future to assure continuing protection of interests protected by this Bylaw; that the performance and observance of other conditions be secured by one or both of the following methods:

- a) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient to secure performance of conditions and observance of the safeguards of such Order of Conditions and payable to the Town of Dunstable upon default;
- b) By a conservation restriction, easement or by a covenant, executed and duly recorded by the owner of record, running with the land, whereby the conditions and safeguards included in such Order of Conditions shall be performed before any lot may be conveyed other than by mortgage deed.

The Commission shall make specific findings of fact in support of terms and conditions imposed under this section.

## **§ 18: VIOLATIONS AND ENFORCEMENT [Amended 5-13-1991 ATM Article 32; 5-11-1992 ATM Article 10 C]**

Any person who violates or any corporate or quasi-corporate entity which violates any provision of this bylaw or any conditions of a permit or order issued pursuant to it shall be punished by a fine as listed hereinbelow. Each day or portion thereof during which a violation continues shall constitute a separate offense.

- a) Alteration of an area subject to protection under the bylaw without having filed for and having in effect at the time of the activity a valid Order of Conditions regulating the activity undertaken. The penalty shall be three hundred (\$300.00) dollars.
- b) Failure to comply with an order or orders as set forth in any Order of Conditions in effect to regulate the activity thereby permitted within an area subject to projection under the bylaw within the time period specified within such orders. The penalty shall be two hundred (\$200.00) dollars.

- c) Failure to comply with any one or more of the terms of any enforcement Order or Orders duly issued by the Dunstable Conservation Commission within the time limits specified in such Orders. The penalty shall be fifty (\$50.00) dollars.
- d) Unauthorized removal or destruction of vegetation and or property on conservation lands, and unauthorized disturbance of wildlife by actions other than the normal and lawful use and enjoyment of such property or lands. The penalty shall be fifty (\$50.00) dollars.
- e) Failure to maintain in proper working order or condition appropriate to their intended function, structures, improvements or facilities which were required or permitted as part of activities regulated under an Order of Conditions issued to protect an area subject to regulation under the Bylaw and significant to the interests to be protected under this bylaw. The penalty shall be fifty (\$50.00) dollars.

In addition to any other means of enforcement provided for by law, the provisions of this General Wetlands Bylaw may also be enforced at the election of the Conservation Commission by non-criminal complaint pursuant to any bylaws adopted pursuant to Massachusetts General Laws, Chapter 40, Section 21D, as amended, in force in the Town of Dunstable. The enforcing authority shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Conservation Commission.

#### **§ 19: INVALIDITY**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions which have previously become final.

#### **§ 20: APPEALS**

In the event that any person shall be aggrieved by a decision of the Conservation Commission under this Bylaw, or by its failure to act thereunder, such person may bring an action in the nature of certiorari under G.L. Chapter 249, Section 4.

**Handicapped Parking Bylaw**

**[Adopted 5-12-2003 ATM Article 21; Approved by Attorney General 8-15-2003]**

The Town of Dunstable shall prohibit and/or regulate the leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons, or in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way, as authorized by Clause (24) of MGL Chapter 40, Section 21.

The penalty hereunder shall be not less than twenty-five dollars for the first offense, and not less than fifty dollars for the second and any subsequent offense; providing, however, for the removal, in accordance with the provisions of section one hundred and twenty D of chapter two hundred and sixty-six, of any vehicle which is in violation of this by-law.

**Junk and Unregistered Motor Vehicle Bylaw**

**[Adopted 5-13-1991 ATM Article 34; Approved by Attorney General 7-17-1991]  
[Amended 5-11-1992 ATM Article 10 "Section 6"; Approved by Attorney General  
6-15-1992]**

- §1.** The open display or open storage of junk shall be prohibited in all sections of the Town of Dunstable, including worn-out, castoff, or discarded articles and materials which are ready for destruction or have been stored for salvage or conversion to some other use, excepting only in any solid waste disposal or transfer station facility duly and lawfully authorized and dedicated to the proper disposition of such materials.
- §2.** All privately owned unregistered motor vehicles shall be stored, placed and kept on private property.
- §3.** Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled, or are otherwise inoperative, shall not be stored, parked or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of same by licensed junk dealers and/or automobile dealers.
- §4.** Any landowner or other person or legal entity responsible for the presence of a motor vehicle as described in Section 3 hereinabove, excepting therefrom any vehicle which qualified to be registered as an Antique Motor Car, as defined in Massachusetts General Laws, Chapter 90, Section 1, shall be subject to the following procedure regarding removal or enclosure of such motor vehicle.
- a. Any resident of the Town of Dunstable may file with the Board of Selectmen a written complaint regarding the presence of such motor vehicle on property located with the Town of Dunstable specifying the location and a brief statement of the circumstances of the alleged violation. If said Board determines that there is reason to believe a violation exists, it shall schedule a hearing before the Board within 14 days of receipt of a written complaint.
  - b. The board shall give written notice of the hearing by regular first class mail to such persons or parties as it deems appropriate, including the complainant, the complaine[e]s, and abutters to the locus according to the most recent tax lists.
  - c. The Selectmen shall make a final decision on the matter based upon their own findings as well as matters presented at such hearing and may, at their option, require or order any one or more of the following:
    - [i] that the owner or person responsible be compelled to remove the motor vehicle from the premises within a stated period;
    - [ii] that the owner or person responsible place the motor vehicle within a proper enclosure to remove it from public view;
    - [iii] that the owner or person responsible be required to comply with this law;
    - [iv] any further remedy that may be lawful and justified by the circumstances presented at the time of the hearing.

In the event of non-compliance with an order or directive of the Selectmen within five [5] days of receipt of such order by the owner or person responsible, the Police Department shall be authorized to tow or remove the subject motor vehicle by whatever means necessary and at the expense of such person.

**§5.** The fine for any violation of the provisions of this bylaw shall be twenty [\$20.00] dollars for each such offense. Each day that such violation continues shall constitute a separate offense.

**§6.** All fines imposed are to be collected as provided in the Massachusetts General Laws for disposition of non-criminal complaints or any bylaw of the Town providing for such disposition. The enforcing authority in this regard shall be the Dunstable Police Department, including any Police Officer in the Department and the Board of Selectmen. [Amended 5-11-1992 ATM Article 10].

**Non-Criminal Disposition Bylaw**

**[Adopted 5-13-1991 ATM Article 31; Approved by Attorney General 7-17-1991]  
[Amended 5-11-1992 ATM Article 10E "Section 5"; Approved by Attorney General  
6-15-1992]**

**§1. Non-Criminal Disposition.**

Any person who or any legal entity which violates any provision of any bylaw of the Town of Dunstable, duly adopted and in force, the violation of which is subject to a specific penalty, by which indicates by its terms that it shall or may be enforced by means of non-criminal disposition, may be so penalized as provided in General Laws, Chapter 40, Section 21D, as amended. The non-criminal method of disposition may also be used for violations of any rules or regulations of any municipal officer, board or department which is subject to specific penalty.

**§2. Procedure.**

The procedure for such disposition and enforcement shall be as provided by Massachusetts law, as aforesaid.

**§3.** Nothing in this bylaw shall be construed to preclude the disposition of violations of any such bylaw, rule or regulation by indictment or on complaint brought in the district court, except insofar as the bylaw or the rules or regulations themselves provide for such exclusive enforcement.

**§4.** Wherever a bylaw imposes a duty and affixes a penalty for the neglect or violation of that duty, the appropriate board or officer to the Town, after notice to any person who has neglected or is in violation of such duty, may take any action reasonably necessary to be done to remedy or repair any such omission or the effect of such failure to obey the provisions of the bylaw, rule or regulation, all at the expense of such person. The reasonable cost of such action, not exceeding the penalty allowed by law to be imposed by these bylaws, may be paid out of the Town Treasury and sued for by complaint before a court of competent jurisdiction and the amount recovered shall be paid into the Treasury of the Town. Action under this section shall be in substitution for, and not in addition to, the fine provided for in the above section of these bylaws. However, nothing in this subsection shall be construed to create any affirmative duty to so act on the part of the Town, or its officers or employees, or relieve any person of any duty or obligation imposed by any bylaw, rule or regulation.

**§5.** The enforcing authority hereunder, in addition to any officer or authorized person specified in any particular bylaw or rule or regulation of the Town, shall be the Dunstable Police Department, including any Police Officer in said Department. In addition, the following officers may enforce the following bylaws [Amended 5-11-1992]:

Anti-Litter Bylaw	Board of Road Commissioners
Wetlands	Conservation Commission
Dog Control Bylaw	Dog Officer
Street Excavation Bylaw	Board of Road Commissioners
Junk and Unregistered	
Motor Vehicle Bylaw	Board of Selectmen

**§6.** Whenever reference is made in any bylaw or rule or regulation to the General Laws, such reference shall mean the General Laws of the Commonwealth of Massachusetts as from time to time amended.



**Public Drinking Bylaw**

**[Adopted 4-19-1977 ATM Article 20]**

**[Amended 9-24-1979 STM Article 1; Approved by Attorney General  
12-14-1979]**

No person shall drink any alcoholic beverage as defined in Chapter 138 of the Massachusetts General Laws or have in his possession any open container containing such alcoholic beverage while on, in or upon any public way or upon any way to which the public has a right of access, or any public common, park, land or playground, or any place to which members of the public as invitees or licensees, without the consent of the Board of Selectmen; or any private land or place, with the consent of the owner or person lawfully in control of such private land or place. All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charges against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession. Whoever violates this bylaw shall be punished by a fine of not more than fifty dollars.

**Scenic Road Bylaw**

**[Adopted 5-8-1995 ATM Article 17; Approved by Attorney General 6-6-1995]**

Voted to designate each of the following streets and/or ways in the town as scenic roads within the meaning of Massachusetts General Laws, Chapter 40, Section 15C, as amended:

Common Avenue  
Depot Street  
Groton Street  
Hillcrest Street  
Main Street from the center of town to the New Hampshire line  
Maple Street  
Pond Street  
Valley Street  
Blodgett Street  
Fletcher Street  
Hall Street  
Hollis Street  
Mill Street  
River Street  
Westford Street  
Brook Street  
Forest Street  
Hardy Street  
Kemp Street  
Oak Street  
School Street  
Woods Court  
Cross Street  
French Street  
High Street  
Lowell Street  
Pine Street  
Thorndike Street

**Solicitation of Goods Bylaw**

**[Adopted 2-26-1962 ATM Article 11; Approved by Attorney General 4-16-1962]**

**§1.** No person, unless otherwise authorized shall go from place to place within the Town taking orders for any goods, wares, or merchandise, nor shall any person go begging or soliciting alms on foot or from a vehicle, without having first recorded his name and address with the Chief of Police, and furnished such information as may be requested of him. The Chief of Police shall, thereupon, if satisfied with the honesty of the applicant, issue a permit for a period not exceeding twelve [12] months which must be shown on request and shall state that said person has duly registered and is entitled to go from place to place within the Town for the purpose specified.

**§2.** No person, unless otherwise properly licensed by the State or Board of Selectmen, shall go from place to place in the Town selling or bartering or carrying for sale or barter or exposing therefore any goods, wares or merchandise.

**§3.** The Chief of Police may, however, authorize the director of any worthy cause, to solicit contributions, within the Town without having each solicitor under his direction registered. Religious organizations or charitable groups within the Town shall be exempt from this section.

**§4.** Penalty for any violation of Section 1 or 2 of the Article will be a fine of not in excess of \$20.00.

**Street Excavation Bylaw**

**[Adopted 5-14-1990 ATM Article 20; Approved by Attorney General 7-24-1990]**

**§1. PERMIT**

- 1.1. No person or entity shall excavate, cause to be excavated or otherwise disturb the surface of any public street or way for any purpose without first obtaining a permit therefore from the Board of Road Commissioners, except in an emergency as determined and authorized by the Commissioners or by the Working Foreman, or except as otherwise provided by the By-Law or the Rules and Regulations adopted hereunder.
- 1.2. Permits will be issued only in accordance with this By-law and the Rules and Regulations.
- 1.3. All applications for any permit shall be in compliance with the Rules and Regulations in regard to form, submission, manner of completion, and required accompanying documents or materials.
- 1.4. All applications for any permit hereunder shall be subject to a fee in the amount calculated according to the length of the cut as provided in the Rules and Regulations.
- 1.5. If, during the progress of the work to be done under any permit, any existing duct, conduit, sleeve, pipe or other structure used for the distribution or transmission of wastewater or sewage, surface or storm water, potable water, brook or water course, gas, oil or any of its by-products in any form, electrical power or service, telephone or telegraph service, is encountered and must be relocated and/or modified in any way so that the work will function properly and as intended upon completion, a separate legally and duly issued permit must be obtained for each proposed relocation and or modification. No additional payment or permit fee shall be required for such permit unless the additional permit requires extending the lineal footage of the road cut, in which event the usual rate will apply.
- 1.6. All outstanding permits issued by the Road commissioners, or any other town governmental board, committee, or body which has and/or had authorization to issue permits to open a trench in, or disturb the surface of, any existing way or street, that have not been exercised, either in whole or in part, prior to this Bylaw being adopted by the Town and filed with the Secretary of State and/or Attorney General of the Commonwealth of Massachusetts to be effective, shall be void.

**§2. RULES AND REGULATIONS**

- 2.1 The Road Commissioners may adopt and from time to time amend reasonable Rules and Regulations ordered to facilitating the proper operation of this bylaw, the safety of the persons, the protection of public and private property, and the work carried out under permits issued pursuant hereto. These Rules and Regulations may pertain to but are not necessarily limited to the following matters:
- 2.2 Applicants: proper parties; duties.
- 2.3 Applications: form; content; number; manner of completion and submission.
- 2.4 Permits: form; content; manner of issuance and execution; requirements as to possession and display; validity; term; necessity of additional permits.
- 2.5 Supplementary data and materials: nature; form; content.
- 2.6 Fees: application, various supplementary requirements including traffic control, site inspection, site restoration.
- 2.7 Time: commencement and termination of work; term of permits.

- 2.8 Notice requirements: commencement; emergency; modification; traffic considerations; hearings and appeals.
- 2.9 Traffic: police coverage; movement or interruption; re-routing; public and private property or ways.
- 2.10 Bonds and insurance: form; content; nature and amount of coverage; parties protected and insured.
- 2.11 Construction standards: manner of work; treatment of pre-existing conditions; protective measures; control of construction consequences; disposal of materials; new materials; finish and restoration; seasonal conditions and limitations; specifications; time limits; access to vital structures; noise; pavement marking.
- 2.12 Enforcement: form and content of enforcement orders; manner of serving; scheduling of compliance.
- 2.13 Variances: form; content; conditions and limitations.
- 2.14 Hearings: applications; time; place; conduct.
- 2.15 Delegation of authority: Working Foreman.

### **§3. ENFORCEMENT**

- 3.1 The Commissioners shall have the right to compel compliance with the provisions of this Bylaw or the rules and Regulations by the issuance of appropriate orders to any permittee or other person or entity, who shall take such appropriate measures as necessary to assure compliance with the provisions of this Bylaw.
- 3.2 The Commissioners may at any time cancel or suspend permits for cause. Cancellation of any insurance policy, endorsement, or bond required under the Bylaw or the Rules and Regulations shall automatically cancel any permit.

### **§4. VARIANCES**

- 4.1 The Road Commissioners upon their own initiate or upon application to them by an applicant, after such notice and/or public hearing as they deem appropriate or as may be required in the Rules and Regulations, may vary any provision of this Bylaw as they deem necessary with respect to any particular case, when, in their opinion, the enforcement thereof would do manifest injustice or cause undue hardship, provided that their decision shall be in harmony with the spirit of this Bylaw. The burden of proof of the manifest injustice or undue hardship shall be borne by the applicant.

### **§5. LIABILITY AND INSURANCE**

- 5.1 Liability for damage to private property abutting the construction and caused by permittee, his agents or servants, shall be borne solely by the permittee performing the work. The application for any permit by an applicant and the issuance thereof shall constitute an agreement between said permittee and the Town of Dunstable, whereby the permittee shall indemnify and save harmless the Town of Dunstable against all claims for damages for injuries to persons or property, and against all costs, suits, expenses and losses occasioned by or arising from said permittee or his agents or servants entering upon the streets or ways of the Town and from occupancy and use of said streets or ways, and by which said permittee or his agents or servants entering upon the said streets or ways and on account of occupancy and use of said streets or ways and said permittee shall further be required to provide a policy or policies of insurance issued by a company authorized to issue such insurance in the Commonwealth of Massachusetts, providing bodily injury liability coverage and property damage liability coverage with limits as required by the Commissioners or provided in the Rules and Regulations. The Town of Dunstable shall be a named insured in such policies.

### **§6. PENALTY**

- 6.1 Any person who violates or refuses to comply with any provision of this Bylaw or with any order or orders hereunder promulgated shall forfeit and pay to the use of the Town of Dunstable a sum of one hundred [\$100.00] dollars for each violation.
- 6.2 Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate violation of this Bylaw.

**§7. PERFORMANCE BOND**

- 7.1 A satisfactory bond of a surety company authorized to do business in the Commonwealth of Massachusetts in a sum required by the Road Commissioners or the Rules and Regulations, conditioned substantially that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any street, highway, way or road in which said applicant, his employees or agents shall make such excavation. Bonds from Utility Companies that are self insured will be acceptable if the terms and conditions are similar.

**§8. MUNICIPAL DEPARTMENTS**

- 8.1 Municipal Departments of the Town of Dunstable shall be exempt from the provisions of this By-law, provided that no excavation by any such municipal department that would otherwise require a permit hereunder shall be carried out without notice to and authorization from the Board of Road Commissioners, and any such excavation shall be carried out in such manner as said Board shall reasonably direct.

**§9. DELEGATION OF AUTHORITY**

- 9.1 The Road Commissioner may delegate any authority which they hold hereunder or under other applicable law to the Board's Working Foreman, to be exercised by him/her sole, insofar as permitted by applicable law.

**§10. EMERGENCY**

- 10.1 Nothing in this By-law shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or the location of trouble in conduit, cable, or pipe, or for making repairs, provided that the person making such excavation shall first obtain the authorization of the Road Commissioners or the Working Foreman, or if not feasible, such person shall apply to the Road Commissioners or the Working Foreman for an emergency permit on the first working day after such emergency work is commenced.
- 10.2 The person engaged in emergency action shall notify the Police Department of the town and any pertinent Public Utility Companies at the start of the emergency work.

**§11. SEVERABILITY**

- 11.1 Each of these sections shall be construed as separate to the end that if any section or paragraph, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections this bylaw shall continue in full force.

**§12. INCONSISTENCIES**

- 12.1 All provisions of this Bylaw, insofar as possible, shall be read and construed to be consistent with other existing bylaws or Rules and Regulations of the Town. Insofar as there are or appear to be inconsistencies in such regard, the provisions of such other existing Bylaws or Rules and Regulations shall be deemed insofar as permissible by law to be inapplicable, but only to the extent that they bear directly upon highway excavations or permits issued therefore pursuant to this Bylaw.

**Town Meetings, Town Elections & Records**

**[Adopted 2-25-1974 ATM Article 18; Approved by Attorney General 3-21-1974]**

**[Amended 4-22-80 ATM Article 26 "Section 1"; Approved by Attorney General 7-28-1980;  
Amended 5-8-1995 ATM Article 22 "Section 3 Under Article 1"; Approved by Attorney  
General 6-6-1995]**

Amended: ATM 04-10-1989 Revised Article #36

Amendment of 04/22/80 changed date of Annual Town Meeting from February to third Monday in April of each year and Annual Town Election from February to fourth Monday in April of each year. Amendment of 04/10/89 changed Town Meeting to 2nd Monday in May and Town Election to 3rd Monday in May. Amendment of 05/08/95 increased the required time for submittal of Annual Town Meeting warrant articles and clarified filing requirements.

**ARTICLE I - TOWN MEETINGS**

**§1.** The Annual Town Meeting shall be held on the second Monday of May each year. [Amended]

**§ 2.** The Warrant for the Town Meeting shall be directed to the Constables who shall post attested copies thereof at least seven days before the meeting in two or more public places in the Town, one of which shall be the Post Office; and, the Selectmen shall be required to send notice of any and all Special Town Meeting by mail to each household.

**§3.** Articles to be inserted in the warrant for any Town Meeting must be in writing, signed by the petitioner or petitioners and delivered to the Selectmen. Such petitioner(s) shall be registered voters of the Town. Articles to be inserted in the warrant for Annual Town Meeting shall be delivered to the Selectmen forty five (45) days prior to the date set for posting the warrant. All other requirements shall be as provided in Section 10 of Chapter 39 of the General Laws, as amended from time to time. Nothing in this section shall be construed to limit the power of the Selectmen to insert articles in any warrant under the authority of their office. [Amended]

**§4.** The records of the Town Meeting shall, unless otherwise directed by the meeting, be read to the meeting by the Town Clerk for approval before adjournment.

**§5.** The Clerk shall give to each person elected or appointed at any Town Meeting to any Town Office, board or committee notice in writing of such election or appointment stating the names of each of the other members of any such board or committee and the general nature of the duties thereof.

**§6.** 50 Registered voters shall constitute a quorum.

**ARTICLE II - TOWN ELECTIONS**

**§1.** The election of Town Officers shall be on the third Monday in May each year. The polls shall be open from twelve o'clock noon until eight o'clock in the evening.

**§2.** Subject to the provisions of the General Laws, any duly elected person holding a Town Office as of the effective date of this by-law, shall hold such office until a successor is duly elected and qualified.

### ARTICLE III - RECORDS AND REPORTS

**§1.** The Selectmen shall cause copies of the Annual Town Reports to be distributed among the taxpayers of the Town by mail or otherwise at least three (3) days before the Annual Town Meeting.

**§ 2.** Each board, permanent committee, head of a department and other officer of the Town shall annually submit to the Selectmen a written report setting forth clearly and completely the work of such board, committee, department or officer during the preceding year, provided, however, that reference may be made in such report to the report to the Town Accountant in respect to the detail of the financial transactions of such board, committee, department or officer. Each such report shall be set forth in the next annual Town report.

**§3.** All reports other than reports of progress in temporary committees shall be submitted in writing to the Town Meeting, and shall be filed with the Town Clerk for preservation; the acceptance thereof by vote of the Town Meeting shall discharge the committee, but shall not operate as an adoption of recommendations contained in any such report unless the vote shall expressly provide otherwise.

**§4.** Each board, committee, head of department and other officer of the Town, having the charge of the expenditures of money, shall annually submit to the Selectmen, to the Accountant and to the Advisory Committee of the Town an itemized estimate of the requirements of such board, committee, department or other office for the succeeding year, with a brief statement explaining any changes from the amounts appropriated for the same purpose in the preceding year. The Accountant shall immediately, at the close of the year, compile a statement of such estimates, together with the appropriations and expenditures of the previous year, and forthwith furnish copies of such statement to the Selectmen and to the Advisory Committee.

**§5.** Within fifteen days after each annual or special Town Meeting, the Clerk shall submit to the Selectmen a copy of the warrant for such meeting, and a written report of the action taken at such meeting. The Selectmen shall reserve such copies and reports for their use and reference and shall incorporate them in the next annual Town Report.

**§6.** Within five days after each annual or special Town Meeting, the Clerk shall submit to the Board of Assessors and the Accountant, a written report of appropriations voted at such meeting.



**PUBLIC WATER SUPPLY  
CROSS CONNECTION CONTROL BYLAW  
[Adopted 5-13-2002 ATM Article 25; Approved by Attorney General 8-26-2002]**

**§I. PURPOSE**

- A.** To protect the public potable water supply served by the Town of Dunstable Water Commission from the possibility of contamination or pollution by isolating such contaminants or pollutants, which could backflow or back siphon into the public water system.
- B.** To promote the elimination or control of existing cross connections, actual or potential, between its customers ; in-plant potable water systems, and non-potable systems.
- C.** To provide for the maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.

**§II. AUTHORITY**

- A.** As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances from entering the public potable water system.
- B.** Town of Dunstable Water Commission, Rules and Regulations adopted on April 1, 1991.

**§III. RESPONSIBILITY**

- A.** The Water Commission shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Commission determines that an approved backflow prevention device is required at the town's water service connection or as in-plant protection on any customer's premises, the commission, or its delegated agent, shall issue a cress connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Commission, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

**§IV. DEFINITIONS**

- A.** Air Gap Separation: the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. The vertical distance must be at least 2x the diameter of the pipe or faucet.
- B** Approved: Accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

- C. Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department for use in Massachusetts.
- D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage, which is not designed for use under static line pressure.
- E. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.
- F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.
- G. Back Siphonage: A form of backflow due to reduced or sub-atmospheric pressure within a water system.
- H. Backflow: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.
- I. Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are forced loaded to a normally closed position and the venting means is force loaded to a normally open position.
- J. Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.
- K. Commission: The Town of Dunstable Water Commission or owner or operator of a public water supply system.
- L. Contaminant: Any physical, chemical, biological or radiological substance or matter in water.
- M. Cross Connection: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.
- N. Cross Connection Violation Form: A violation form designed by the Department, which is sent to the owner by the water supplier with copies sent to the Department, plumbing inspectors and Board of Health delineating cross connection violations found on the owner's premises and a procedure for corrective action.
- O. Department: The Massachusetts Department of Environmental Protection.
- P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.
- Q. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.
- R. Owner: Any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.
- S. Permit: A document issued by the Department which allows a cross connection installation.
- T. Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that

nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.

- U.** Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.
- V.** Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two more check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, and (4) necessary appurtenances for testing.
- W.** Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.
- X.** Reviewing Authority: The Department, its Designee, or the local plumbing inspector, authorized by M.G.L. c. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

#### **§V. ADMINISTRATION**

- A** The Commission will operate an active cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the State DEP's Cross Connection Regulations and is approved by the Department.
- B** The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the Commission's program and the Department regulations.

#### **§VI. REQUIREMENTS**

##### **A COMMISSION**

1. On new installations, the Commission will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
2. For premises existing prior to the start of this program, the Commission will perform surveys of the premises and reviews of as-built plans and issue a cross connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.
3. The Commission will not allow any cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation.
4. If the Commission determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
5. The Commission shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.
6. The Commission will begin initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department, during the calendar year 2003. Initial focus will be on high hazard industries and commercial premises.

## **B. OWNER**

1. The Owner shall be responsible for the elimination or proper protection of all cross connections on his premises.
2. The Owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross connections and installation of backflow prevention devices.
3. The Owner of facility located within non-delegated public water systems shall be responsible for the payment of all fees for permits.
4. The Owner shall have any device that fails an inspection or test repaired by a licensed plumber.
5. The Owner shall inform the Commission of any proposed or modified cross connection and also any existing cross connections of which the owner is aware but has not been found by the Commission.
6. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.
7. The Owner shall install backflow preventers in a manner approved by the Department and by the Commission.
8. The Owner shall install only reduced pressure backflow preventers and double - check valve assemblies approved by the Department.
9. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Commission's system. Permission to cross connect may be denied by the Commission. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Commission's system.
10. The owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.
11. The Owner shall be responsible for the payment of all device testing, retesting in the case that the device fails to operate correctly, and second re-inspections for non-compliance with commission or Department requirements.

## **§VII DEGREE OF HAZARD**

The Commission recognizes the threat to the public water system arising from cross connections. As such, the Commission, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross connections, could contaminate the public water supply system.

## **§VIII ENFORCEMENT**

The Commission shall not allow a cross connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and permits have been issued.

## **§IX. EXISTING IN-USE BACKFLOW PREVENTION DEVICES**

Any existing backflow preventer shall be allowed by the Commission to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

#### **§X. ROUTINE TESTING**

- A.** The Commission shall determine the responsibility of the required testing program, whether the Owner or the Commission should be responsible for testing the backflow device. Reduced pressure backflow preventers shall be tested and inspected at least semi-annually and double check valve assemblies shall be tested and inspected annually.
- B.** Backflow device testing and inspection shall be performed by a DEP certified backflow tester.
- C.** The testing shall be conducted during the Commission's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Commission.
- D.** Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- E.** Backflow prevention devices will be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Commission feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

#### **§XI. RECORDS AND REPORTS**

##### **A. RECORDS**

The Commission will initiate and maintain the following:

1. Master files on customer cross connection tests and/or inspections.
2. Master files on approved cross connection installations.
3. Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.

##### **B. REPORTS**

The Commission will submit the following to the DEP:

1. Initial listing of high hazard cross connections.
2. Initial listing of low hazard cross connections.
3. Annual update lists of Items 1 and 2 above.
4. Annual summary of cross connection inspections and surveys.

#### **ADDENDUM**

##### **1. RESIDENTIAL DUAL CHECK**

Effective the date of the acceptance of the Cross Connection Control Program for the Town of Dunstable, Massachusetts, all new residential buildings will be required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water Commission at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Commission.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, provisions may have to be made by the owner to provide for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

## 2. STRAINERS

The Commission strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.